

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 4:05CR61-P-B**

**AUSTIN CHANCE REID**

**ORDER**

This cause is before the Court on the defendant's Motion to Continue Trial Setting [15-1]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for July 18, 2005. The defendant recently filed a suppression motion; in the event of an adverse ruling on that motion, defendant may negotiate a guilty plea conditioned on his right to appeal the suppression ruling. In the event the suppression motion is decided in Reid's favor, it would likewise obviate the need for a trial. Reid seeks a continuance of trial pending a hearing and decision on his motion to suppress. The government does not oppose the motion. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from July 18, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a fair evidentiary hearing on his motion to suppress prior to the scheduled trial of this cause. Therefore, the ends of justice served by the granting of this

continuance outweigh the best interests of the public and the defendants in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance is GRANTED;
2. That the trial of this matter is continued until Monday, September 19, 2005 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from July 18, 2005 until September 19, 2005 is excluded as set out above;
4. That the deadline for filing pretrial motions is August 29, 2005;
5. That the deadline for submitting a plea agreement is September 5, 2005.

SO ORDERED, this the 30<sup>th</sup> day of June, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE